



October 11, 2016
CITY OF SARATOGA SPRINGS
City Charter Review Commission
Saratoga Springs Public Library
Community Room
7:00 PM

- 7:00 PM: CALL TO ORDER
 INTRODUCTORY REMARKS BY BOB TURNER
 APPROVAL OF MINUTES**
- 7:05 PM SUB-COMMITTEE REPORTS**
- 8:00 pm DISCUSSION OF MEETINGS AND TIMELINE**
- 8:25 PM DISCUSSION OF SCORECARD**
- OTHER BUSINESS**
- 8:45 PM ADJOURN**

October 11, 2016



CITY OF SARATOGA SPRINGS
City Charter Review Commission
Saratoga Springs Public Library
Community Room
7:00 PM

PRESENT: Jeff Altamari
Gordon Boyd
Ann Casey Bullock, Secretary
Laura Chodos
Devin Dal Pos
Elio DelSette
Matt Jones
Pat Kane, Vice Chairman
BK Keramati
Robert Kuczynski
Minita Sanghvi
Barbara Thomas
Robert Turner, Chairman
Beth Wurtmann

ABSENT: Mike Los, Excused

STAFF: Tony Izzo

RECORDING OF PROCEEDING

The proceedings of this meeting were recorded for the benefit of the public and the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

CALL TO ORDER

Chairman Robert Turner called the meeting to order at 7:00 pm

APPROVAL OF MINUTES

R. Turner asked for a motion to approve the minutes of the September 27 ,2016 meeting.
E. DelSette asked for a minor change on page 5.

Motion to approve the minutes of September 27, 2016 as amended made by Barbara Thomas, seconded by Pat Kane; unanimously approved.

INTRODUCTORY REMARKS

R. Turner welcomed the Commission members stating that it is nice to be here. After almost 6 meetings where people talked to us, he felt that there has not been much time to talk amongst ourselves so he wanted to hold this meeting because between now and Election Day there will be a public meeting and then more interviews so this is a good time for us to talk with ourselves.

SUBCOMMITTEE REPORTS AND DISCUSSION

R. Turner asked for a report from the **Drafting Sub-committee** Chairman Matt Jones said he said that their first meeting was entirely organizational, but they held their second meeting today and it was more substantive because they had the benefit of testimony and commentary from three City Hall employees. He reported that Patsy Berrigan, Executive Secretary of the Civil Service Commission provided background on Civil Service and her role in the office and told of options available under State law and the current format of the Charter and some. Clarifications of language in the Charter that Patsy thought would be beneficial going forward.

He said the second person to be interviewed was Kate Amello, Human Resource Director for the City. She spent a great deal of time going through the Charter where there are eleven or twelve enumerated functions of the Human Resource Director and he actual performance and day to day duties differ a lot from the role contemplated in the Charter and she offered suggestions on how that might work better.

M. Jones said that the third person to testify before the Drafting Sub-committee was John Hirliman, Director of Recreation and the staff person responsible for day to day functions. J., Hirliman described the relationship among the Recreation Commission as a statutory entity provided for in the City Charter under the direction of the Mayor and he is also responsible for reporting to the Mayor's office with a relationship with the Department of Public Works because DPW is responsible for the equipment and maintenance of City owned property and all recreation fields. M. Jones said the only exception regarding DPW's responsibility to maintain City owned property is the Department of Public Safety offices and buildings and the Courtroom. He said that the meeting was informative and productive and the candor was much appreciated.

A. Bullock said that three people were interviewed in 1.5 hours and imparted very substantive, useful information.

B. Wurtmann said that they dove into the Charter language pointing out ambiguities and things that need to be clarified and that is the gist of the personnel comments. She said that someone was heard questioning the use of the word "it" stating that it needed to be clarified within the context of the Charter regarding reports of the Mayor. She said that great progress was made; they were open and willing to make solid suggestions. They came prepared and willing to participate. We are going to be able to incorporate their ideas into our Charter.

J. Altamari said that the Commission had talked about constitutional versus administrative Charter issues. He asked whether that is the scope of the Drafting Committee or if they are just truncating the document, at this point; seeing how people's duties comply with what is written in the Charter, or is it a combination of those things.

M. Jones responded that it is a combination, but today's function was trying to understand how the personnel day to day duties at the administrative level compare with what the Charter actually says, where they align and where they do not and to see if the committee can make recommendations to transfer functions or determine if they are in the right department. The other is the filtering process outlined in our charge that will move forward. He said they have asked the Commission's attorney Tony Izzo to provide a memorandum on what things need to remain in the Charter and what things are optional. Regarding those things that are optional, he said that in some cases the committee may recommend that they go back to the City code so the City council could deal with it as it sees fit rather than handcuffing the City Council. M. Jones explained that the second thing we have asked T. Izzo to do is to address how to amend the City Charter, if at all possible by the City council without requiring a referendum. Once those rules are clarified, the committee will know a little better what needs to be there and go forward accordingly.

G. Boyd asked whether the sub-committee touched on the necessity of having a Civil Service Commission or if the office should be transferred to the County.

E. DelSette said that two to three years ago the Civil Service Commission almost begged to be moved to the County. It was a recessionary time and budgets were being cut and the Secretary was alone in her office. The Civil Service Commission said they would help the City Council to transfer the office to the County but the City Council rejected the proposal. E. DelSette said that the Commissioner of Public Safety said it was personal and wanted it left under the City's control. E. DelSette explained that now there is a competent Clerk working with Patsy and they are trying to modernize the office. Half the budget is paid by the school system and a lot goes back to the treasury each year. He suggested asking the City Council if they feel they should transfer the Civil Service Commission to the County now. He said personally it should remain with the City.

G. Boyd commented that if this Commission entertains such a motion, E. DelSette may have to recuse himself.

P. Kane said that the Civil Service Commission is in charge of announcing job openings, collecting applications, giving exams and creating lists of candidates for the Library, the Housing Authority, the School system, all city jobs and the City Center. He is proud of Patsy and she is planning to leave in one year; nothing is certain.

Laura Chodos is amazed at how many things the Charter tells us to do; in the Charter are also ten job specifications particular to that position

E. DelSette said that is a good point and it is deliberate. The verbiage, the essence of the body of Civil Service job specifications came out of the Charter. You read in the Charter what you see in job specifications.

R. Turner said that there is a lot of detail and specificity in the Charter that is appreciated, but there is language that needs to be clarified. For example, there is language that dictates that the Recreation Commission and DPW do the same things; there is a lot of ambiguity and tension between what each Department is trying to do. He said it also seemed that both the Civil Service and the HR director were intrigued with the thought of having a personnel director who might encompass the Civil Service, personnel, and benefits and provide one-stop shopping, a more modern professional approach to benefit the employees.

G. Boyd asked if a Personnel Director would be able to handle the school here if the office is moved to the County. P. Kane said that Patsy stated that Civil Service is either moved to the County or not; it is an all or nothing situation, and everything including the school would go to the County.

E. DelSette said that it depends on the form of government. If it stays the same, the Personnel Director would be attempting to administer to the entire City with five separate Department heads. He said that the only ones that can hire and fire under this form of government are the five City Council members.

G. Boyd asked if there is a statute that Civil Service Commission must handle the school.

E. DelSette responded that it is by statute from the State.

G. Boyd noted that some of the school district facilities are in different municipalities,

E. DelSette said that the Commission's concern is that they are employees of the Saratoga Springs City School District. We are a City Civil Service Commission carrying funds from other municipal areas as part of our school district. He said that a Personnel Director would be too authoritative and possibly clash with the City Council members. It is a thankless job.

P. Kane said there is a diverse population of employees and much of the General Fund Budget is employee oriented. He said there are mutually accepted programs, labor contracts, training, but there is no time in the day to service all the employees. We heard there is a huge morale problem in City Hall.

R. Turner said that it has been said if it not broken do not fix it, but each person interviewed said it is broken. Jurisdictional battles between Commissioners impede progress.

E. DelSette believes that cannot be said for the Police and Fire Department. He commented that years ago people knew each other but now we are getting a large diversified pool of candidates which has changed the atmosphere. The conditions, demands and community are different now.

P. Kane said that Police and Fire have one Commissioner to answer to. In Recreation, there is the DPW Commissioner, the Mayor and a Recreation Commission. If the Mayor and DPW get along, everything is fine but if not, it makes it very hard to get things done.

E. DelSette said that the legal section contains weak language, but laws are more demanding. Personnel Directors are more aware of their rights and have the ability to execute those rights.

B. K. Keramati said the subject of HR and how it is managed in the Charter is very complicated; we are discussing Civil Service and HR but he is not getting anything out of it. He wants to know what homework he needs to do so he can understand and participate in the discussion.

Jeff Altamari stated that if M. Jones believes this conversation is augmenting his agenda, fine but if not, M. Jones should weigh in on whether we should continue.

R. Turner called for a report from the **Outreach Sub-Committee**.

B. Wurtmann reported that next Tuesday's Town Meeting is set for 7 PM. She said the committee has held two meetings but there have been lots of emails and phone calls. The members of the committee are Bk Keramati, Minita Sanghvi, Barb Thomas, Laura Chodos and Beth Wurtmann. They have been putting out advisories, telling media where the Commission is, what is being discussed. The biggest lift has been setting up the website. She thanked R. Kuczynski for setting it up. She thanked everyone for their biographies; they have been busy loading stories, links, and documents about past and current development. She said it is well done. Regarding outreach to the press, B. Wurtmann explained that they have submitted two articles to Saratoga Today and there is a blurb on the Town meeting. She said that for the Saratogian, Travis Clark has been covering the meetings. She said there is an article in today's Saratogian and the piece about who we are was published earlier. She asked for feedback from Commission members about whether to set aside time before each meeting for the public to address the Commission.

D. Dal Pos said no, having served on the Comprehensive Plan Committee for a year and one half where the opportunity for the public to speak was provided for five minutes at the beginning of each meeting and for 30 minutes at the end of each meeting and it was repetitive, not terribly helpful and there is enough public forum input through our Town Hall forums to accomplish what we need to do. He is basing this entirely on his experience. It is hard and a waste to stretch our limited time for that.

M. Jones said he shares that view. The Commission is faithful to the notion that things should be done in public, and we should be having open meetings so everyone can hear what the Commission is doing and there will be a number of opportunities for the public to comment on our work. Having commentary as we go along is difficult and would consume easily 10 to 15% of our working time and we need our working time more. Events as early as next week provide a public forum, so he agrees with Devin that it does not need to be provided at every meeting.

B. Thomas said that if we want to involve the public and to let them listen to us, she prefers that they comment at the end of the meeting, after they have heard what we have discussed if they have something to say related to what we have been discussing. She thinks it is good for the Commission and for the general public to know that they do have some opportunity [for input] on an on-going basis.

L. Chodos commented that she would like a public comment opportunity before the meeting because she wants more than just the meeting at hand to be thought about; such as news articles and public interest items so she wants public comment before the meeting.

B. Wurtmann said we get the same people every time. They are here because they are very active and interested in what we are doing. She said that one question that came up in our sub-committee meeting was that typically it is the same people that the Commission is a public body and we should always want to be open to the public.

B. K. Keramati said that the risk is that it will waste some time. The risk of not doing it might be interpreted that we are not listening. We need to determine which is worse.

G. Boyd said that the general public, the people coming here are always invited to attend. He wants to see the public responding to what we are doing, not just sounding off about things. The time to draw public response is when we have a product to place before the public. He said there is a time and place for everything. There is drafting, thoughts on the process, interactions with each other, then when the product is ready we publish it, and hear from the public. The formality of that process obligates the public to do their homework and understand the product and come in and comment on what we have done and then we can tweak it as we deem appropriate. He said that we will then spend as much time as needed to hear their views. He said that as a matter of routine, having commitment every meeting would reduce the time we have to conduct our business.

R. Turner said he agrees strongly with what Devin and Gordon have said. He has had students conduct polls at debates and meetings and those people attending are not representative of the general public. He thinks there will be a lot of times where we give our whole meeting over to listening, whether it is a town meeting or a meeting where we are trying to decide between options and in that case, people will come and weigh in rather than providing time before and after every meeting. He is always cognizant of the public but for our own efficiency it is pretty important to define public time.

B. Wurtmann asked if we should tell a Commissioner/Council member who comes to our meeting and wants to speak that there is no public comment. Because they show up, do we allow them to speak?

D. Dal Pos said the Commission has been tasked with the charge to review the Charter and we have a lot of investment of time and education to do that. We need to drill things down and have opportunities. He fully supports public input, but in public forums like the one next week. We wasted a ton of time on the Comp Plan Committee; there were things that were brought up at each open forum and we already had that information and it did not make it any more or less important to repeat it. It was part of the equation. So, if someone is here, no, you do not give them the floor. We have our business to do. If they want to submit something in writing, if they want to submit something at public hearings, they can; we are open to it but not to take our time to listen to someone pontificate about something.

J. Altamari said he understands what his colleagues have said tonight, but we have to be careful not to be perceived as elite or smug. He said we can easily be perceived that way. He referred to a letter published in Saratoga Today where someone was saying that it is pointless to try to evaluate the form of government when two previous initiatives have been defeated. He would hate to tell that person that he can't come to address the Commission. He agrees with L. Chodos that we should provide 15 minutes beforehand for public comment. He said he is unsure who would be defined as representative of the public but we owe it to the public to allow for their input so we are not perceived as elitist because that could be dangerous particularly at the end when we come up with something.

M. Sanghvi suggested putting the discussion to a motion and vote.

Motion to leave the public comment period at the discretion of the Chairman for him to schedule as he sees fit made by M. Jones and seconded by P. Kane.

E. DeISette explained that the motion could be amended. He said that we need something of substance. We need to be specific.

B. Thomas called the question.

Ayes: 7; Nays: 7; Motion failed.

Motion to allow a maximum of 15 minutes for public comment prior to each City Charter Commission meeting, made by B. Thomas and seconded by L. Chodos.

R. Turner said that since he sets when the meeting starts, he has the discretion to allow public comment. He said the argument for flexibility is that if he has scheduled a meeting and given it over to interviews, he can set the meeting to start earlier for public comment.

T. Izzo cautioned that the time of the meeting must be duly advertised; If the meeting starts with public comment, that time has to be advertised.

P. Kane advised that the City Council limits the time a person can speak and no City Council member can directly react to or interact with the person speaking.

Ayes 11; Nays: 3; Motion carried

R. Turner said he wants to be able tell people that the comments should pertain to whatever is on the agenda.

T. Izzo said that he can do that as Chairman.

P. Kane suggested limiting the time that each person can speak, possibly to two minutes or three minutes.

T. Izzo said that is perfectly ok; it should be stated at the opening of each public comment period.

B. Wurtmann presented an opinion written by Richard Sellers published in Saratoga Today entitled "What Part of No Doesn't the Committee understand?" She explained that she brought this opinion piece to the attention of the Commission to ask whether the sub-committee should respond to it. She asked if the sub-committee should always respond to such articles or just sometimes and who should make that decision. Sometimes we may have to act quickly to meet deadlines. She said they are a committee of 5 and we will make a decision to respond if allowed.

E. DeISette said that it is dangerous for the committee to carry the responsibility to respond.

For this particular article, it was decided by the Chairman of the Sub-committee and the Chairman of the Commission to respond.

B. K. Keramati asked whether the Outreach committee can make those decisions and check with the Chairman to be sure he is ok with it. There is enough diversity among the committee members.

J. Altamari said it is a fool's errand to try to win battles of public opinion. If you feel it is urgent, you do have the ability to run with it, but if we respond to everything we see, we will go down with the ship. The Chairman is our voice.

B. Wurtmann said that the sub-committee may have to respond quickly without seeking permission, in which case we will have to put the sub-committee's name on it. We would do this primarily to set the record straight.

G. Boyd said that the key thing here is accountability; being factual matters. Each of us can put opinions out there as long as we make it clear it is our personal opinion.

E. DelSette cautioned that there could be legal ramifications; you have to be careful. On matters of fact it is the Chairman's responsibility on behalf of the Commission or on the recommendation of the Outreach Committee.

B. Wurtmann said because there are five of us on the sub-committee, we can make such decisions and run each one by the Chairman.

T. Izzo said that in the past there have been many committees with posters, buttons and banners opposing the work of various charter Commissions.

R. Turner said that right now we are reading the Charter and researching. We are a wide variety of citizens with diverse backgrounds and skills and we are studying prior to making decisions. At a certain point we will have to make a ton of decisions and that is what he has heard from each member. We are listening at this point. Part I, Take the Charter and vet it, Part II, Introduce ideas and recommendations, Part III, Make decisions.

E. DelSette said that the Commission must vet the Charter.

B. Wurtmann said that everything is ready for the public meeting at the Tang Museum on the 18th. All Commissioners and Deputies have been made aware. She distributed posters and flyers and she will send another link and she asked for Commission members to post the flyers. She will send one more digitally. She showed a picture of the venue stating that as you can see in the picture, we will set up on the platform. There will be microphones on the platform and one lower for those who cannot climb the steps. She said that 9pm is not a hard stop, especially at a first public meeting. Regarding the steps, she said there are only two; there can be chairs on the platform and side seating is available. We will not be up on a stage with everyone else down. She said that the meeting will be recorded.

R. Turner said that students will attend. He had lunch with a student that attended the 2012 session and he was interviewed by the local people.

B. Thomas said that the session with P. Tonko and C. Gibson was held there and the sound was great. We need to make sure that people use the microphones.

E. DelSette recommended that it is important to save all articles because they are a response to our work, regardless if it is positive or negative; they should be retained. G. Boyd asked if we should preserve it forever despite the fact that it is not factual?

T. Izzo said it has been done; he can show the Commission drawers full of such records from the mid-1960's pro and against a charter Commission's work.

B. Wurtmann asked if we want to discuss the issue regarding Commissioner Madigan. T. Izzo began to offer advice on scheduling a meeting of the Commission on a City Council night. B. Wurtmann asked if that is a legal issue. R. Turner stated that he had not called on T. Izzo.

B. Wurtmann asked whether someone from the Commission should give progress reports to the city Council.

D. Dal Pos said that from his experience on the [2014-15] Comprehensive Plan Committee, often when a report was presented, it would end up pre-empting the work of the Committee. If we go down that road, please let me know in advance. This Commission is not tasked with being micro-managed by the City Council. It will undermine our autonomy. Reporting back is only required at the end and we should preserve that right.

B.K. Keramati said this Commission has been set up on the authority of the Mayor, so do we have legal independence to function in this Commission as the Commission sees fit? Or, are we subject to the whims and direction of the City Council?

T. Izzo replied that to the first question, [the answer is yes, second question, [the answer is] No.

G. Boyd said the Commission should never respond to requests from individual City Council members. If the Mayor wants to give a report on our progress, that is fine because that is within the confines of the City Council.

DISCUSSION OF MEETINGS AND TIMELINE

R. Turner announced that the Town Meeting will be held on Skidmore campus at the Tang Museum on Tuesday October 18th. On October 25, the County Supervisors and remaining Commissioners will be interviewed. He said there would be no meeting held on election night. Thursday, November 10, the interviews and discussion will focus on governing in the Mayor-Council form of government.

He asked Commission members if they have ideas for other meetings.

B. Thomas said that D. Dal Pos has convinced her that we would not want a regular report to City Council. She suggested that we eliminate that from the Outreach Committee's recommendations.

B. Wurtmann said that besides the public comment period the outreach committee plans to engage media, submit articles, reach out to stake holder groups such as the Downtown Business Association, and the Chamber of Commerce and try to meet with editorial boards to educate them, and provide regular updates to the Commission's Website. She asked if citizens or Commission members want to write up editorials to get conversations going and incite awareness.

R. Turner replied that we are still listening. He asked everyone to continue to come to the meetings; the public has their first amendment rights.

Barbara Thomas asked what the work plan is going forward.

R. Turner said the first fifteen minutes would be for public comment. He said on October 25, we will interview County Supervisors Matt Veitch and Peter Martin and he has asked them to put things in writing; officials will be there, these are public meetings with community members.

A. Bullock proposed that on November 10th, they should bring in some Mayors from a Mayor-Council/strong Mayor form of government.

DISCUSSION OF SCORECARD

P. Kane asked the Commission to differentiate between the key things that are important to talk about and what would be nice to have.

J. Altamari said that financial imperatives should be a top priority.

D. Dal Pos said there should checks and balances, that way you could tell if it works.

B.K. Keramati: Reduce the extent in which politics impedes running the City.

P. Kane restated that to say: Minimize political influence over day to day administration. Other suggestions were to include the ease of transition from this charter to the new one and to maximize citizen participation in the election process.

M. Sanghvi said that there should be citizens representing the entire City including demographic representation and it should enable a larger pool of citizens to run for office.

G. Boyd said that there should be administrative information included and checks and balances. There should be a separation of powers between legislative and administrative functions; clear lines of responsibility and clear lines of focus.

L. Chodos said that communication should be modernized. She also suggested that the organizational structure be stated, such as wards or districts. She said the Charter should foster cooperation and collaboration between departments.

R. Turner said it should include the ability to respond nimbly to the changing economic environment. There should be strategic planning with the flexibility to change and adjust quickly to circumstances such as an economic crisis.

P. Kane said that we must use the talents of the workforce as best as possible.

Other suggestions were efficiency; the continuity of government so that stakeholders are comfortable working with it and responsive to it.

G. Boyd said there should be a structure that aligns with the needs of the community. Corporate and government should fit together.

R. Turner said that continuity of governance and sustainability are very important. Professionalism should be stressed.

ADJOURNMENT

There being no further business, Chairman R. Turner asked for a motion to adjourn the meeting. M. Jones moved and D. Dal Pos seconded to adjourn the meeting 8:42 p.m.

Ayes all

Respectfully submitted,

Nancy Wagner
Clerk

Approved: 11/10/2016